v. *McLoon,* 5 Gray (Mass.) 91, quashing an indictment because "A. D." was omitted from the date; or *Harwell* v. *State,* 22 Tex. App. 251, to the effect that a written verdict of "guity" is not equivalent to one of "guilty." There seems to be developing a much fairer interpretation of what the court in *Westbrook* v. *State,* — Tex. Cr. App. —, 227 S. W. 1104, calls "the sensible proposition that incorrect grammar, bad spelling, bad handwriting, the use of words not technically in their correct sense or places will none of them make an indictment bad unless same causes the thing intended to be charged to lack of sense or certainty."

CRIMINAL LAW—EVIDENCE—ILLEGAL SEARCH AND SEIZURE.—Defendant was convicted of violation of the state liquor law upon evidence obtained under a search warrant conforming to an unconstitutional search and seizure law. Before trial a demand was made for the return of the property seized and an application for an order directing its return was denied. *Held,* conviction should be set aside. *People* v. *Le Vasseur* (Mich., 1921), 182 N. W. 60.

The unconstitutionality of the statute in question (Act No. 53, Sec. 25, P. A. 1919) was decided in *People* v. *De La Mater,* (Mich., 1921), 182 N. W. 57. In the instant case the Michigan court shows no disposition to question the doctrine laid down in *People* v. *Marxhausen,* 204 Mich. 559, which followed the respectable, though often questioned, authority of *Boyd* v. *United States,* 116 U. S. 616, and *Weeks* v. *United States,* 232 U. S. 383, L. R. A., 1915 B, 834. See 19 MICH. L. REV. 355, and 9 ILL. L. REV. 43. When the objection is first made at the trial the cases are agreed that the evidence is admissible, no matter how obtained, partly, at least, on the theory that the court will not halt the trial to determine collateral matters. *Adams* v. *New York,* 192 U. S. 585; *People* v. *Aldorfer,* 164 Mich. 676. It may be suggested, however, that the court does exactly that whenever the admissibility of evidence depends upon a collateral question; *e. g.,* whether a confession offered in evidence is free and voluntary. It would seem, if the chief concern is to protect the defendant's constitutional rights rather than to determine his innocence or guilt, that the question might be raised at any time. As was well said by the Supreme Court of Kansas:

> "The federal Constitution was not framed for the special protection of those who violate statutes, but for the good of the entire citizenship." *State* v. *Missouri Pac. Ry.,* 96 Kan. 609.

It is submitted that the defendant's proper remedy is not immunity from punishment for crime, but a civil action against the trespassing officers. For a full discussion and large collection of cases, see WIGMORE ON EVIDENCE, §2264. See also *supra,* p. 93.

CRIMINAL LAW—MISTAKE OF FACT AS A DEFENSE—BIGAMY.—Defendant was indicted for bigamy under a statute providing that whoever, being married, shall marry another person during the life of the former husband or wife shall be guilty of a felony, unless at the time of the second marriage the defendant has obtained a divorce. The defendant, without having obtained a divorce, married again during the life of his former wife. As a